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| 09/728,205      | 12/01/2000  | Charlie Wen-Tsann Chen | DALL13-00004        | 4432             |

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EXAMINER

BROSS, EDWARD J

ART UNIT PAPER NUMBER

2126

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/728,205

Applicant(s)

CHEN, CHARLIE WEN-TSANN

Examiner

Edward Bross

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are pending in this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lesaint (WO 98/22897).

4. As to claims 1, 7, and 13, Lesaint teaches the invention as claimed including a resource allocator that is operable to allocate a plurality of resources among a plurality of tasks within a process system, said plurality of resources comprising human resources and process resources (p. 1, lines 7-10), and said process system comprising a plurality of application processes, said resource allocator comprising (p. 1, lines 3-4):

a memory that stores a model of said process system, said model representing mathematically said plurality of application processes, said plurality of resources, and said plurality of tasks, and defining relationships among related ones thereof (p. 4, lined 6-8 and p. 24, lines 1-19);

a status monitoring controller that monitors measurable characteristics associated with ones of said process system, said plurality of application processes, said plurality of resources, and said plurality of tasks (p. 4, line 9); and

a resource allocation controller that modifies ones of said mathematical representations and that allocates ones of said plurality of resources among ones of said plurality of tasks within said process system in response to ones of said monitored measurable characteristics (p. 4, lines 10-14).

5. As to claims 2 and 14, Lesaint discloses a graphical user interface that is operable to enable supervisory interaction (p. 16, lines 8-9).

6. As to claims 3, 8, and 15, Lesaint discloses said graphical user interface is operable to facilitate at least one of customer management, network management, transaction management, resource management, communication management (resource management as done by the allocation processor 47 Fig. 4).

7. As to claims 4, 9, and 16, Lesaint discloses a data repository that comprises at least one of a customer database, a network database, a transaction database, a resource database, a communication database, a knowledge database and a control database (“rule-based criteria” p.15, line 22 and “resource data” p 17, lines 6-22).

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8. As to claims 5, 10, and 17, Lesaint discloses said knowledge database, said resource allocator is further operable to modify said knowledge database in response to ones of said monitored measurable characteristics thereby enabling said resource allocator to be self-learning (p. 15, lines 20-28).

9. As to claims 6, 11, and 18, Lesaint discloses said resource allocation controller is operable to reselect one of said allocated ones of said plurality of resources among ones of said plurality of tasks within said process system in response to modifies ones of said monitored measurable characteristics (p. 38, lines 9-24).

10. As to claim 12, Lesaint discloses said reselecting sep further comprises the step of accessing at least a knowledge database (p. 25, lines 1-10).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint (WO 98/22897) in view of Tullis (5,140,537).

13. As to claim 19, Lesaint does not disclose said process system controls one of a manufacturing plant, a refinery, a hotel, a restaurant, a traffic control system, a transportation control system and an emergency services system. Tullis discloses said process system controls a manufacturing plant (abstract).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the control of a factory taught by Tullis with the system of Lesaint to allow the advantages of Lesaint's adaptive resource allocator to be applied the related field of managing a manufacturing plant.

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lesaint (WO 98/22897) in view of DeBusk (5,995,937).

16. As to claim 20, Lesaint does not disclose said resource allocator is an information management system. DeBusk discloses a resource allocator that is an information management system.

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the information management system of DeBusk with the resource allocator of Lesaint to gain the advantages of reusable software objects as taught by DeBusk.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Bross whose telephone number is 305-8754. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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